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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 001530

SIPDIS

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TAGS: [PGOV](#) [PHUM](#) [MV](#)

SUBJECT: MALDIVES: SOME DEMOCRATIC REFORMS DESPITE TRIAL OF
OPPOSITION LEADER

REF: A. COLOMBO 997

[B](#). COLOMBO 1295

[C](#). COLOMBO 1420

[D](#). COLOMBO 1449

[E](#). COLOMBO 1469

Classified By: CDA JAMES F. ENTWISTLE FOR REASONS 1.4(b) and (d)

[1](#)1. (SBU) Summary: Following the August 12-14 pro-reform demonstrations in Male' (Reftels C and D), as of August 28, 76 persons remained in detention, including opposition leader Mohamed Nasheed. Nasheed, the chairman of the Maldives Democratic Party (MDP), has been charged with one count of terrorism and one count of committing a crime against the State, raising concerns among human rights advocates and MDP members that his arrest and trial are politically motivated. Despite the current proceeding against Nasheed, the Maldives has made significant progress in protecting human rights and instituting reforms. The Embassy will seek opportunities, including the upcoming US-Maldives Friendship Week scheduled to take place in Male' September 25-28, to stress to the Government of the Republic of Maldives (GORM) that they must administer fair and transparent justice and respect the rule of law and human rights. End summary.

FALLOUT FROM AUGUST 12-14 DEMONSTRATIONS

[1](#)2. (C) In an August 28 phone conversation with poloff, Attorney General (AG) Hassan Saeed said that 76 people remained in jail following the August 12-14 demonstrations in Male', but that he expected half of them to be released without charge by week's end. Saeed added that those who would remain in custody all have previous criminal records, many for drug offenses, and that they will likely be charged with unlawful assembly. According to a number of sources, the detainees have access to their families and the right to counsel, a marked improvement over the detentions that took place in Male' a year ago.

[1](#)3. (C) MDP members claimed that following the demonstrations, they were the victims of politically motivated harassment and detention in Maldives. Some MDP members were reportedly arrested from their homes August 14-15, long after the demonstrations had ended, while others were arrested even though they did not participate in the demonstrations. Nevertheless, the AG maintained that the arrests resulting from the demonstrations were apolitical in nature. In an August 24 phone conversation with poloff, he said he did not know how many remaining detainees were MDP members because the GORM is "not specifically targeting the MDP."

[1](#)4. (SBU) On August 18, members of the International Committee of the Red Cross were permitted to conduct prison visits in Maldives. They reported that they were granted unfettered access to the (then remaining) 118 detainees imprisoned after the August 12-14 demonstrations. The ICRC representatives said that the prisons generally met international standards, and they had no reports of abuse in custody. Furthermore, the ICRC reported detainees were informed of their right to counsel and permitted access to lawyers and family members.

CHARGES LEVELED AGAINST OPPOSITION LEADER

[1](#)5. (C) August 18-19, representatives from the British, Canadian, and European Union High Commissions in Colombo went to Maldives and were given access to four prisoners jailed after the August 12-14 events, including Nasheed. (Note: The GORM initially claimed that Nasheed had been arrested for his own protection following a peaceful sit-in on August 12, but later drew up charges of terrorism and crimes against the State. According to MDP sources, Nasheed's current charges are not based on the events of August 12-14, but rather, on his alleged earlier anti-GORM activities and statements. End note.) In an August 13 phone call, Foreign Minister Ahmed Shaheed had told poloff that with respect to Nasheed, "We've been very tolerant and patient with him, but we've let him carry on too far." Similarly, UK poloff Colin Hicks told us that during his recent trip to Maldives, GORM officials said Nasheed had been instigating anti-GORM activity for some time, but in the spirit of openness to opposition, the GORM had permitted him to carry out his agenda. However, the GORM

representatives told Hicks, when the August 12-14 demonstrations ended in violence, many felt it was time to limit extremist elements within the MDP while permitting moderates to carry on. Our MDP interlocutors, however, told us that for the President, any opposition is tantamount to sedition because he sees himself as the embodiment of the State.

16. (C) Nasheed's initial hearing took place on August 24. AG Saeed told poloff that the judge in the case is conferring with both the prosecution and defense attorneys before setting a trial date in order to give both sides adequate time to prepare arguments. Jude Laing, an MDP lawyer based in Colombo, told poloff that the International Committee of Jurists (ICJ) sent an observer, Sri Lankan lawyer Faisz Mustapha, to Nasheed's pre-trial hearing. The GORM provided Mustapha with a court-appointed translator. In response to Mustapha's complaint that Nasheed had only learned of his hearing on the morning of the hearing itself, the AG told poloff that Nasheed had refused to listen to police officers attempting to inform him of the court proceeding against him. According to the AG, "no harm was done" because Nasheed was able to have his lawyer represent him at the hearing, and he will have time to prepare his case. The AG also mentioned Mustapha's concern that Nasheed had not been given access to reading and writing materials. The AG said he asked the police chief to remedy the situation, and added that his directive had been followed.

17. (C) Rory Mungoven, the Senior Human Rights Advisor to the UN Country team in Sri Lanka, told poloff that the UN Special Rapporteur on Freedom of Expression, the Chairperson of the UN Working Group on Arbitrary Detention, and the UN Special Rapporteur on Human Rights Defenders all drafted a single letter to the GORM expressing concern about Mr. Nasheed's case and human rights issues in Maldives. Mungoven said that the GORM had responded with a general statement on a minority within the opposition fomenting violence and undermining reform efforts.

COMMENT: THE ZIG-ZAG PATH TO PROGRESS

18. (SBU) Comment: While international focus at present is on the detentions that have occurred over the past several weeks and the seemingly harsh charges against Nasheed, it is important to remember that the GORM has in fact instituted a number of judicial and police reforms over the past year. According to a number of accounts, although police and security forces used excessive force during the August 12-14 demonstrations, once detainees were taken to jail, they were treated in accordance with international prison standards (Reftel C). The ICRC reports on treatment of prisoners marks a major improvement from last year. In addition, unlike last year, after this year's August 12-14 demonstrations, the GORM did not declare a state of emergency or cut off mobile phone or internet access in the days following the events. Other hopeful signs include the legal recognition of political parties in June (Reftel A), the appointment of a number of young, reform-minded technocrats as Cabinet Ministers (Reftel B), the openness to non-governmental organizations sending in prison and trial observers, and the revisions of the penal code that resulted in the improvements noted by the ICRC.

19. (C) As always in Maldives, however, for each of these steps forward, the GORM consistently takes another step back. A major part of the problem is the GORM's political immaturity and refusal to accept that having an opposition party means permitting meaningful opposition. Moreover, there is frustration over the slow pace of Constitutional reform. We will keep urging the GORM to continue movement towards greater political openness and respect for human rights with our US-Maldives Friendship Week in late September a good opportunity for carefully calibrated public statements. ENTWISTLE